

# The State of South Carolina



## Office of the Attorney General

**T. TRAVIS MEDLOCK**  
ATTORNEY GENERAL

REMBERT C. DENNIS BUILDING  
POST OFFICE BOX 11549  
COLUMBIA, S.C. 29211  
TELEPHONE 803-734-3970

March 20, 1987

The Honorable George H. Bailey  
Member, House of Representatives  
308-D Blatt Building  
Columbia, South Carolina 29211

Dear Representative Bailey:

You have requested an opinion as to the validity of the approval of a bond issue approved by Dorchester County School District 1 on February 24, 1987.

This question is governed by Act No. 536 of 1986. Part I, Section 1 of that Act provides as follows:

Upon approval of this Part by the United States Department of Justice pursuant to the Voting Rights Act, Dorchester County School District No. 1 and Dorchester County School District No. 3 are consolidated into a single school district to be known as Dorchester County School District No. 4, which is a body politic and corporate as provided in Section 59-17-10 of the 1976 Code and is vested with all of the powers, duties, and assets of the former districts.

The Justice Department's approval came on February 12, 1987. The trustees of the former District 1 approved the bond issue, as previously mentioned, on February 24, 1987.

The plain language of the above-quoted section provides that after the approval date, February 12, 1987, the two prior districts ceased to exist, their powers having been assumed from that date by the new District 4. It has generally been held

The Honorable George H. Bailey  
Page 2  
March 20, 1987

that upon consolidation, the existence of prior separate districts was terminated. Boatwright v. McElmurray, 247 S.C. 199, 146 S.E.2d 716 (1966). See also: Walker v. Bennett, 125 S.C. 389, 118 S.E. 779 (1923) (upon consolidation, entity of prior districts was destroyed.) Therefore, we would generally advise that inasmuch as Dorchester County School District No. 1 was no longer a functioning entity after February 12, 1987, its previous authority would be superseded by that of the new district created. See, 78 C.J.S., Schools and School Districts, § 57. Thus, generally speaking, a school district which is consolidated into a new district, may not issue bonds thereafter.

Of course, it should be recognized that your question raises the issue of the validity of a particular approval of a bond issue. In such matters, which involve the expertise of a bond attorney, we would encourage your consulting the particular attorney advising the school district inasmuch as that attorney would be aware of all the facts and circumstances in a particular bond issuance.

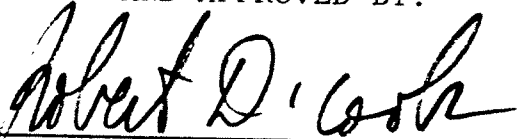
Sincerely,



Charles H. Richardson  
Assistant Attorney General

CHR/an

REVIEWED AND APPROVED BY:



Robert D. Cook  
Executive Assistant for Opinions